

**REAL ESTATE BOARD  
MINUTES  
MADISON, WISCONSIN  
June 24, 1999**

**PRESENT:** James R. Imhoff, Richard Hinsman, Bettye Lawrence, Harold Lee, Jerome Nelson, and Richard Kollmansberger; Nancy Gerrard (by telephone)

**STAFF PRESENT:** Cletus Hansen, Donald Rittel, and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

**GUESTS:** Rick Staff, WRA

**CALL TO ORDER**

The meeting was called to order at 10:12 a.m. by James Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

**AGENDA**

**MOTION:** Harold Lee moved, seconded by Jerry Nelson, to adopt the agenda as published. Motion carried unanimously.

**MINUTES (5/27/99)**

**MOTION:** Nancy Gerrard moved, seconded by Jerry Nelson, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Cummings reported that the Real Estate Board is on track with the case closings and complaints.

Secretary Cummings explained that the new phone system, Interactive Voice Response, is still having some minor problems that are being worked on. The Interactive Voice Response system was developed, in order to provide more timely information to the public.

**Division Administrator's Report**

The Board received a copy of the current board roster.

**LEGISLATIVE UPDATE**

**Bills Relating to Real Estate Regulation, If Any Are Available**

None.

## **WRA Proposed Amendment to the Biennial Budget Bill**

Rick Staff reported that the amendment to the Biennial Budget Bill, relating to direct full-time supervision, has been introduced by the Joint Finance Committee.

### **ADMINISTRATIVE RULES**

#### **Update on RL 12 and RL 25 re: Education Requirements**

Nothing to report.

#### **Issues for Future Rulemaking**

- Full-Time Branch Office Manager-Sec. 452.12(3), Stats., and Ch.

The Board discussed the issues relating to “broker supervision”. Jim Imhoff summarized some of the approaches to broker supervision contained in the rules of other states.

The Board discussed a manager looking at a contract before versus after acceptance and how to correct a problem after the contract has been accepted.

- Disclosure of Licensed Status-RL 25.05(5) and RL 25.07(8)(a)2

No discussion.

- Submittal of Offer by Licensee-RL24.13(3)(B)

No discussion.

- Disclosure of Licensed Status in Ads for Rental Properties-RL 24.04(2)

No discussion.

- All Negotiations with The Buyer Must Be With Buyer’s Buyer-Agent-RL 24.13(5)

No discussion.

Don Rittel will begin drafting rules for the issues regarding full-time branch office manager, disclosure of licensed status, submittal of offer by licensee, disclosure of licensed status in ads for rental properties and negotiations with the buyer through buyer’s buyer-agent.

### **REPORT OF THE CONTRACTUAL FORMS ADVISORY COMMITTEE**

The Board received a copy of the minutes of the June 3, 1999, Real Estate Contractual Forms Advisory Committee meeting.

The Board discussed the changes in forms WB-3, 13, and 36.

**MOTION:** Richard Hinsman moved, seconded by Bettye Lawrence, to approve the changes to forms WB-3, 13, and 36. Motion carried unanimously.

The Board discussed the changes in WB-2, 12, 40, 41, 44, and 46.

**MOTION:** Jerry Nelson moved, seconded by Harold Lee, to accept the changes to real estate forms WB-2, 12, 40, 41, 44 and 46. Motion carried unanimously.

The Board discussed effective dates of the changes on forms WB-2, 3, 12, 13, 36, 40, 41, 44, and 46.

**MOTION:** Bettye Lawrence moved, seconded by Jerry Nelson, that an optional effective date for the changes will be July 1, 1999, and a mandatory effective dated will be January 1, 2000 and to publish the changes and dates in the Regulatory Digest before the January mandatory date. Motion carried unanimously.

### **Forfeiture Grid**

Clete Hansen and Angie Jerney explained the Barber/Cosmetology forfeiture grid to the Board.

Don Rittel explained to the Board that the forfeiture grid is not mandated by law and that the Board has the final decision on actions taken in specific cases.

The Board asked the DOE staff to work on a forfeiture grid for real estate.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **Screening Statistics**

The Board received a copy of the May 27, 1999, screening statistics. Noted.

## **NEW BUSINESS**

None.

## **PUBLIC COMMENT**

None.

## **RECESS TO CLOSED SESSION**

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried

unanimously by a roll call vote: Richard Kollmansberger - yes; Harold Lee - yes; Richard Hinsman - yes; Nancy Gerrard - yes; Jerry Nelson – yes; Bettye Lawrence-yes; Jim Imhoff-yes.

Open Session recessed at 11:21 a.m.

The Board deliberated on case closings, stipulations and monitoring issues.

Final voting on these issues was conducted in Open Session.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Jerry Nelson moved, seconded by Harold Lee, to adjourn the Closed Session and to reconvene in Open Session at 12:14 p.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **CASE CLOSINGS**

**MOTION:** Jerry Nelson moved, seconded by Harold Lee, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

98 REB 207	Rick Wanta (Hatley WI)
98 REB 227	Michael J. Germain (Somerset WI)
98 REB 248	Donald S. Hall (Schofield WI)
99 REB 052	Mike Polencheck (Mosinee WI)
97 REB 049	Donald Lindquist (Thorp WI)
97 REB 331	Real Estate Preferred Inc (Madison WI)
97 REB 331	Marilyn Montague-Kneebone (Madison WI)
97 REB 331	Paul S. Gilbertson (Waunakee WI)
98 REB 006	Thomas Kerwin (Madison WI)
98 REB 131	William Springstoh (Bonduel WI)
98 REB 181	Robert Brockus (Osseo WI)
98 REB 208	Kenneth Want Jr. (Hatley WI)
98 REB 314	Alan Doral (Oshkosh WI)
98 REB 174	Gary Robinson (Minocqua WI)
98 REB 174	Four Seasons Realty (Minocqua WI)
99 REB 038	Great Lakes and Associates (Menominee Falls WI)
99 REB 038	Elizabeth DeVilbiss (Germantown WI)
99 REB 038	Marilyn Mathers (Slinger WI)
99 REB 038	Karen Thoms (Menominee Falls WI)
99 REB 060	Brookstone Homes (Janesville WI)
99 REB 060	Paul Giusti (Janesville WI)
99 REB 060	David Quaerna (Janesville WI)
99 REB 003	Eagan Agency Ltd (Wautoma WI)
99 REB 003	Michael A. Eagan (Wautoma WI)
98 REB 179	Richard Geis (Milwaukee WI)
99 REB 003	James Klunk (Milwaukee WI)
98 REB 312	Star Team Inc (Pembine WI)
98 REB 312	Dennis Ebert (Pembine WI)
98 REB 080	Sullivan Real Estate & Auctions (Viroqua WI)
98 REB 080	Clarence S. Sullivan (Viroqua WI)

97 REB 292	Eagle Pointe, Inc. (Eagle River WI)
98 REB 080	Gregory D. Statz (Cross Plains WI)
98 REB 080	Holly A. Tomlanovich (Eagle River WI)
98 REB 015	Patricia J. Cook (East Troy WI)
98 REB 300	Greener Realty (Ft Atkinson WI)
98 REB 300	Judy Greener (Ft Atkinson WI)
96 REB 324	Keefe Real Estate (Lake Geneva WI)
96 REB 324	Michael Keefe (Lake Geneva WI)
96 REB 324	Roger Wolff (Lake Geneva WI)
96 REB 324	William Kirkland (Williams Bay WI)
96 REB 324	Dennis Carnes (Lake Geneva WI)
98 REB 308	Harley Stark (Eau Claire WI)
98 REB 160	Janet S. Spencer (Pell Lake WI)
98 REB 259	Shawn L. Hill (Butte de Mortes WI)
98 REB 259	Kenneth H. Hill (Pine River WI)
98 REB 142	Preferred Associates Inc (Madison WI)
98 REB 142	Shaun T. Sabol (Verona WI)
98 REB 142	Dennis C. Midthun (Madison WI)
98 REB 186	Remax Homes and Hills Realty (Black River Falls WI)
98 REB 186	James B. Haldeman (Black River Falls WI)
99 REB 020	Jim Atkinson Real Estate Inc. (Portage WI)
99 REB 020	James Atkinson (Portage WI)
97 REB 236	Independent Realty of Tadych (Manitowoc WI)
96 REB 274	Independent Realty of Tadych (Manitowoc WI)
99 REB 061	Independent Realty of Tadych (Manitowoc WI)
98 REB 194	Majestic Oaks Realty, Inc. (Wautoma WI)
98 REB 194	Lester Smet (Wautoma WI)
99 REB 075	Joseph Bunczak (Rosholt WI)
97 REB 192	DKE Enterprises (Watertown WI)
97 REB 192	David K. Egan (Watertown WI)
97 REB 192	Aari K. Roberts (Watertown WI)
97 REB 192	Stanley D. Jones (Clyman WI)
98 REB 155	DKE Enterprises Inc (Watertown WI)
98 REB 155	Susan M. Schubert (Watertown WI)
98 REB 155	David K. Eagan (Watertown WI)
98 REB 283	Acres of America Inc (Weyauwega WI)
98 REB 283	Steven H. Loehrke (Weyauwega WI)
99 REB 024	Sheldon Good & Co-Auction (Chicago IL)
99 REB 024	Alan Kravets (Chicago IL)
98 REB 204	Sand County Services (Siren WI)
98 REB 204	Eric T. Van Guilder (Danbury WI)
98 REB 204	David L. Bolden (Siren WI)
98 REB 304	Daniel Rudolph (Mequon WI)

## DISCIPLINARY ACTIONS

### **David G. Delahunt (Mequon WI)**

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **David G. Delahunt**. Motion carried unanimously.

**Ari B. Friedman (Milwaukee WI)**

**MOTION:** Harold Nelson moved, seconded by Harold Lee to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Ari B. Friedman**. Motion carried unanimously.

**Phillip D Starks (Cedar Mountain NC)**

**MOTION:** Bettye Lwarence moved, seconded by Richard Kollmansberger to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Phillip D. Starks**. Motion carried unanimously.

**Hollis E. Hoeft (Shawano WI)**

**MOTION:** Jerome Nelson moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Hollis E. Hoeft**. Motion carried unanimously.

**Henry S. Jacobs Jr. (Coloma WI)**

**MOTION:** Richard Kollmansberger moved, seconded by Harold Lee, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Henry S. Jacobs Jr.** Motion carried unanimously.

**Carl M. Keeseey, Jr (Broadhead WI)**

**MOTION:** Richard Hinsman moved, seconded by Harold Lee, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Carl M. Keeseey, Jr.** Motion carried unanimously.

**MONITORING REPORT**

**Robert Beall (Lake Geneva)**

**MOTION:** Harold Lee moved, seconded by Jerome Nelson, to revoke the license of **Robert Beall**. Motion carried unanimously.

**Brett Vreeke**

The Board requested that Don Rittel draft a letter to Brett Vreeke informing him that there is no "inactive status," however, he has the option of "voluntary surrender." Mr. Vreeke can re-activate his license by re-applying to the Board.

### **ADMINISTRATIVE WARNINGS**

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to issue administrative warnings to **Dwyer-Klose Realty, Inc., Thomas H Dwyer, John E. Seybold,** and **Thomas H. Nolan**. Motion carried unanimously.

### **PRIVATE LETTER OF WARNING**

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to issue private letters of warning to 2 respondents in **95 REB 328**. Motion carried unanimously.

### **ADJOURNMENT**

By consensus, the meeting was adjourned at 12:30 p.m.